SNo 8894

List of Retainable papers for 1829 ~~Board~~ files

Received Letters. **Madura Collectors' Office.**

Madurai Coll
Vol No. 8894
30024

Number.	From whom received.	Substance.
4	Secretary	Rejecting the claim of Vembiar on the house and lands pledged by Bickajee Row as security.
	Do.	Stating that the question as to the Previleges of the Rami Pagodas in the pearl fishery at Manar has been submitted to government.
	Do.	Communicating the [illegible] of the Board for the Ameen Establishments appointed to the charge of the several attached Estates.
	Do.	Transmitting from the Register of petitions an extract regarding the petition of Annamalai Pillai son of Elder daughter of the late Vasantha Raya Pillai claiming the post of Curnum.
		Calling for further information on the adjustment of accounts with the Ramnad zemindar (with file)

மாலராஜ்
செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட
[illegible] மாதம் 1983 வருடம்
செப்பனிட்டு முடித்த
[illegible] மாதம் [illegible] வருடம் 1984
ஆராய்ச்சி உதவியாளரின் கையொப்பம்.

List of Retainable papers for 1829.

Received Letters. Madura Collector's Office.

Date.	Number.	From whom received	Substance
4/5	"	Secretary	Sanctioning Establishment required for the management of the attached portion of the Shevagangah Zemindari
4/6	"	Do.	Sanctioning Zuft Establishment for the attachment of the Shevagangah Zemindari
9/7	"	Do.	Calling for a statement of the Inams &c of village officers as per form enclosed.
2/7	"	Do.	Stating that the claim of the nephew of the late Zemindar of Shevagangah to be acknowledged as the heir of his uncle, must remain in abeyance until the delivery of the late Zemindar's widow, who is now pregnant, but that the Board see no objection to the zemindari being delivered over to his charge [illegible]

List of Retainable papers for 1829

Received Letters. Madura Collectors' Office.

Date.	Number.	From whom received.	Substance.
16/7	..	Secretary	Forwarding for his guidance an extract from the Boards' Proceedings under date the 13th July 1829 giving orders as to the investment of Surplus funds from estates under charge of collectors by authority of Court.
22/7	.	Do.	Forwarding a form and desiring that he will submit accordingly the information called for relative to the value of land in the provinces.
27/7	..	Do.	Communicating the opinion of the Sudder Adalat and the orders of government regarding the process by which arrears of revenue are to be recovered in Districts or parts of Districts under a ryotwar Settlement.
3/8	..	Do.	Transmitting for information and guidance an extract from the Boards' Proceedings under date the 30 ultimo, relative to the

List of Retainable papers for 1829.

Received Letters. Madura Collector's Office.

Date	Number.	From whom received.	Substance.
			furnishing of accounts of Revenues from Estates under collector's management by authority of the Court
3/8	"	Secretary	Enquiring whether the nephew of the late Zemindar of Sheevagungah has paid up the arrears standing against the Zemindar (Not found in the file).
10/8	"	Secretary	Transmitting from the Register of petitions an extract regarding the petition of Gooroo Avadani and another who enjoy as Sarva Maniyam the village of Caunday in the District of Madura.
20/8	"	Do.	Transmitting for his guidance Copy of the general rules

(2)

List of Retainable papers for 1829.

Received Letters. Madura Collectors Office.

Date.	Number.	From whom received.	Substance.
			to be observed in the issue of grants of waste lands for the support of choultries for the accomodation of travellers and desiring him to report with reference to these rules on the application for a grant of this nature submitted by him.
/18	"	Secretary	Transmitting for inform-ation copy of a letter from the Secretary to Government regarding the continuance of pension to the 2 Sons of Ponnienyar a deceased Zemindar.
/18	"	Do.	Calling for further information on the proposed resumption of the village of Yellapatty.
/19	"	Do.	Rejecting certain claims which have been preferred to the vacant Pittam of Ramaheri Polliem and

List of Retainable papers for 1829.

Received Letters. Madura Collector's Office.

Date.	Number.	From whom received.	Substance.
			Calling for further information on the subject (not found in the file).
28/9	"	Secretary	Calling again for Statement of the Enams &c of the village officers.
12/10	"	Do—	Communicating the Boards sentiments regarding the impropriety on the part of the zemindar of Ramnad of Suspending the payment of certain allowances to individuals of the family of the late Mootoo Rama-lingam Setupati which have hitherto been made from the Revenues of the Zemindari under the authority of the Government and stating that his claim be reimbursed the amount which has been

Received Letters. — **Madura Collectors' Office.**

Date.	Number.	From whom received.	Substance.
			paid on that account during the time the zemindari was under the Collector's management is inadmissable. (Not found in the file).
15/10	"	Secretary	Transmitting from the Register of petitions, an extract regarding the petition of Parvata Nauchiyar widow of Muttuvigia Ragunatha Gowri Vallaba Peria Odia Tever late zemindar of Shevagangah.
26/10	"	Do	Approving the proposed arrangement relative to the village of Caunday.
26/10	"	Do	Directing that the zemindari of Shevagangah be made over to the nephew of the late zemindar on security until the delivery of the pregnant widow.
2/11	"	Do	Transmitting from the Register of petitions an

List of Retainable papers for 1829.

Received Letters. Madura Collector's Office.

Date.	Number.	From whom received.	Substance.
			extract regarding the petition of Makootoom Sahiba widow of late Ibramsah and her Son Comer Saib Madura and the petition of Dadee Bhee Sheik Mahomed &c &c claiming the renewal of zeomiahs &c.
5/11	"	Secretary	Calling again for statements of the Inams &c of the village officers in the District.
26/11	"	Do.	Prescribing the channel through which applications for grants of land in Forts and military canton=ments should be submitted to government.
10/12	"	Do.	Calling for further [illegible] ...tion regarding

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Received Letters. **Madura Collectors' Office.**

Date.	Number.	From whom received.	Substance.
			a certain zeomeah which he recommends may be continued to the family of the deceased incumbent.
12	"	Secretary	Transmitting for information Copy of a letter addressed by the Board to government on the receipt of the intelligence of the delivery of the widow of the late zemindar of Shevagungah and the birth of a daughter and recommending that the estate should be retained under attachment until either of the parties claiming the succession should be authorized by the zillah Court to take charge of it and regretting that he has acted so hastily in giving the zemindari in possession of the nephew of the late zemindar

List of Retainable papers for 1829

Received Papers. Madura Collector's Office.

Date	Number.	From whom received.	Substance.
10/12	"	Secretary.	Communicating for his information and guidance the orders of the Honorable court of Directors regarding the alienation of lands by Collectors without authority.
17/12	"	Do.	Directing that the Sheragunga zemindari be placed in possession of Muttoo Vadugo Tever nephew of the deceased Zemindar as heir.
17/12	"	Do.	Transmitting for information and guidance Copy of a letter from the Secretary to Government relative to the claims of certain pagodas in Ramnad and Tanjore to the privilege of certain boats fished at the pearl fishery at Arippo.

List of Retainable papers for 1829

Received Letters. Madura Collectors' Office.

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Date.	Number.	From whom received.	Substance.
17/12	"	Secretary	Calling for further inf=ation regarding the village of Eliarpatti [illegible]
28/12	"	Do. — X	Calling for a state=ment of pensions granted to the dispossessed Poligars (not found in the file).

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1829

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Original [illegible]

To
The Principal Collector

Madura & Dindigul

Sir,

Re.

I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 7th Instant & to state that they are of opinion that under the circumstance which you have stated, you ought not to admit the Claim advanced by Vembyen on the house & lands pledged by Bickaye ie Row as security to the Company by deed executed in 1821. —

I have the honor to be
Sir,
Your most Obedient
(Signed) D. Eliott

Revenue Board Office
Fort St. George
12th February 1829
disp.d 20th —
Ro. (Sig.d) W. Johnson

4.

To the Principal Collector of

Madura & Dindigul

Sir,

I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 7th Instant, and to acquaint you that your predecessor's letter of the 20th June relating to the privileges of the Ramnad Pagodas in the Pearl Fishery at Manar was submitted to Government on the 14th July, and that no answer has been received on the subject of it.—

I have the honor to be

Sir,

Your most Obedient Servant

D. Hill

Secretary

Revenue Board Office
Fort St. George
16th February 1829

Resp. 4th do.

[illegible]

141

Revenue Department

31

To the Principal Collector of

Rl. Madura

Sir,

I am directed to communicate to you the sanction of the Board of Revenue for the Aumeen Establishments appointed to the charge of the several Estates mentioned in your letter of the 6th instant, at the monthly sum of Rupees 136-8-0

Revenue Bd. Office
Fort St. George
20th April 1829

Desp. 20 Do.

I have the honor to be
Sir,
Your most Obedient Servant
[signature]
Secretary.

Recd. 4 [illegible]

161

Revenue Department

R

To the Principal Collector of

Madura

Sir,

I am directed by the Board of Revenue, with reference to their Circular Orders dated 13th July 1826, to transmit for your information an Extract from the Register of Petitions referred to you in the month of February last.

Revenue Bd. Office
Fort St. George
30th April 1829.

I have the honor to be
Sir,
Your most Obedient Servant

W Porter
Dy. Jr. Dt. Secretary

Disp. 20th May

C W Johnson

Madura –

Extract from the Register of Petitions for the Month of February 1829.

No. of the Petition	Name of the Petitioner	Purport of the Petition	Order of the Board.
50.	From Annamala Pillay Son of Elder daughter of the late Vasundaroya pillay of Madura –	Complains of having been supplanted in his Situation as Curnum by the Son of his Mother's Younger Sister, and begs that the Collector may be desired to investigate his case personally as he cannot get Justice from the native servants.	The Principal Collector of Madura will be pleased to report on this petition by Endorsement. 16th February 1829. (Signed) R. T. Porter Actg. Sr. Dy. Secy.

(True Extract)

R.

R. Porter
Actg. Sr. Dy. Secretary

163.

4

To
The Principal Collector of
Madura

Sir,

Para 1 I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 27th Ultimo, and to convey their sanction for the estimate submitted by you for the establishment required for the attachment of a portion of the Zemindary of Sheraganga amounting to M. Rs. 923.

2. The Board regret to observe that the balance against the Zemindary amounts to so large a sum as Rupees 71,823.

Revenue Board Office
Fort St. George
4th May 1829.
Despd. 14

I have the honor to be
Sir,
Your most obedient Servant,
D. Hill
Secretary.

Cy. Mn.

Revenue Department
281

To the Principal Collector of

Madura.

Sir,

I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 26th Ultimo reporting the attachment of the whole of the Zemindary of Shevagunga in consequence of the Zemindar's having fallen into arrears to the extent of Rupees 11,523-4-4 and to convey the sanction of the Board for the Zuft establishment proposed by you amounting to Rupees 2,980 per annum, which includes the establishment sanctioned in my letter of the 4th Ultimo. With reference to Para 2 of my letter of the 13th November

November 1828 you will intimate to the Zemindar that his failure has subjected him to a demand of interest, which you will enforce according to the Regulation.

Revenue Bd. Office
Fort St. George
4th June 1829.

I have the honor to be
Sir,
Your most Obedient Servant

[signature]
Secretary.

Desp.d 15 Do. "

Compd. W.G.n

Revenue Department

263

Recd 19 Feby
1830

Circular Rt.

To the Principal Collector of
Madura

Sir,

I am directed by the Board of Revenue to transmit to you the accompanying form of a statement of the Enams &ca of the Village Officers in your District, and to request that you will cause a Statement to be prepared accordingly and that you will submit the same with as little delay as possible, the information being required immediately for a particular occasion.

Revenue Bd. Office
Fort St. George
9th July 1829

Desp 11th D

I have the honor to be
Sir
Your most obedient Servant
[illegible]
Dy Secretary

Revenue Department.
264

(Circular) Rd.

To the Principal Collector of
Madura and Dindigul

Sir,

I am directed by the Board of Revenue to transmit for your information and guidance the accompanying Extract from their Proceedings under date the 13th July 1829.—

I have the honor to be
Sir,
Your most Obedient Servant,
[illegible]
Depy Secretary.—

Revenue Board Office
Fort St. George
16 July 1829.
Despd. 18. Do.

4.

Extract from the Proceedings of the Board of Revenue under date the 13th July 1829.—

Para: 1.— Read again letter from Government under date the 16th Instant, enclosing copy of a letter from the Register of the Sudder Adawlut relative to the disposal of the surplus funds of Estates under the attachment of Collectors by their orders.—

2.— Ordered accordingly that it be established as a general rule that Collectors having charge of Estates under orders emanating from the Sudder Adawlut shall at the close of each fusly invest the surplus funds of such estates as far as possible in Company's Securities in the name of the Register of the Provincial Court of their Division for the time being and shall transmit such Securities to that Officer to be lodged in the Treasury of the Provincial Court, and at the same time shall furnish to the Sudder Adawlut a Statement

shewing

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shewing the surplus funds - the amount thereof so invested - the further amount ready to be so invested and the balance if any. —

4. — Ordered that the Collectors who have charge of Estates under orders from the several Courts do report to the Board specially upon the management thereof at the close of every fusly, and do submit a copy of the Statement furnished to the Sudder Adawlut of the surplus funds of the Estates held under the orders of that Court and of the disposal thereof." —

(A true Extract)

[signature] —

Dy Secretary. —

[signature]

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R.

Circular

To the Principal Collector of Madura

Sir,

Para 1. The information furnished by the Collectors generally in reply to the Board's Circular of 16th February 1826 relative to the value of land being neither so satisfactory as the Board could wish, nor as the importance of the subject requires, I am again directed to call your attention to that subject, and to request you will submit the information then called for in the accompanying form. The Columns which do not apply to your district will of course be left blank.

2 In procuring the information required,

317.

required, you will not only avail yourself of the accounts furnished by your Office, but you will endeavour by particular Enquiry in the different parts of your district, to ascertain as correctly as is practicable, the actual value which attaches to the several descriptions of landed property herein alluded to.—

Rev: Board Office
Fort S^t George
23^d July 1829
Desp^d 4^th Aug^t D^o

I have the honor to be
Sir,
Your Most Obedient Servant
R Wates
A. J. Dy Secretary.—

C^d Wilmson

Statement shewing for how many fold of the clear net Annual incom[e]
lls in the following cases in the District of

Names of Districts	1. When land sold is a Zemindary or portion of a Zemindary assessed in perpetuity with a fixed Revenue under Regulation 25 of 1802.				2. When the land sold is not a Zemindary or a portion of one, but a private estate farm or field or a share in an entire village severally held & assessed with revenue payable directly to the Circ. & his servants or to a Zemindar & his servants.				3. When the land sold is a Jaghire or entire village such as Shrotriums paying small quit rent.				4. When the land sold is a ... or entire ... exempt ... payment ... Revenue	
	Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average	Maximum	Medium

C. Wilkinson

Statement shewing for how many fold of the clear net annual income yielded to the Possessor land generally sells in the following cases in the District of

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No.	Names of Districts	When land sold is a zemindary or portion of a zemindary assessed in perpetuity with a fixed revenue under Regulation 25 of 1802.				When the land sold is not a zemindary or a portion of one, but a private estate farm or field or a share in an entire village severally held by & assessed with revenue payable directly to the Collr. & his servants or to a Zemindar & his servants.				When the land sold is a Jaghire or entire village such as a Shotriem & paying a small quit rent.				When the land sold is a Jaghire or entire village exempt from the payment of all revenue.				When the land sold is an enaum or certain lands or fields not extending to an entire village paying a small quit rent.				When the land sold is an enaum or certain lands or fields not extending to an entire village exempt from the payment of all revenue.			
		1				2				3				4				5				6			
		Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average	Maximum	Medium	Minimum	Average

R.R. Water[?]

[illegible] Secretary.

Cd [illegible]

Revenue Department.

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To

The Principal Collector of

Madura

Sir,

Para 1. I am directed by the Board of Revenue to transmit for your information and guidance the accompanying Extract from the proceedings of the Sudder Adawlut under date the 12th March 1829 and an Extract from a letter from Government to the Sudder Adawlut dated 19th May 1829 regarding the process by which arrears of revenue are to be recovered in Districts or parts of Districts under a Ryotwar Settlement.

...venue in a letter from ... 19th May 1829.

2. You will observe that arrears of public revenue strictly so called payable by

333.

by proprietors or farmers immediately to the Collector or other public officer under settle-ments permanent or temporary are decided by the Sudder Adawlut to be recoverable under Regulation XXVII of 1802 by which the land is declared to be the security for the public revenue. To this security re-course must be had in general only in extreme cases and after every other means has been tried without success.

Revenue Board Office
Fort St. George
27th July 1829
Recd. 8th Augst.

I have the honor to be
Sir,
Your most obedient Servant,

R. Porter
Ag. Jr. Dy. Secretary.

[illegible]

Re.

59

Extract from the Proceedings of the Sudr Udalut
under date the 12th March 1829. —

Read again Special &
Appeal Petition presented by the Vakeel
Sreenevassa charry —

The foregoing is an appli-
cation on behalf of the Principal Collector
of Malabar for the admission of a
special appeal from the decree
of the Provincial Court for the Western
Division, in Appeal No 16 of 1825,
reversing the judgment of the Zillah Court of Malabar in original suit
No 296 of 1825, whereby the proprietary right of the
Defendant, Moorialla Kootty
and that of his heirs, to the family
estate, was decreed to be forfeited
to Government, under the provisions
of Clause second, Section XIV Regulation
XXVII of 1802. —

From

2 From the Decree of the Zillah Court in this case it appears that the Sub Collector in charge of the Revenue Cutcherry of the Northern Division of Malabar had, by direction of the Principal Collector, deputed Peons with a writing dated the 22nd March 1825, requiring the Defendant to pay the arrear of revenue due by him (Rupees 100), or to appear before him in Company of the peons, for the purpose of being conveyed to the Jail of the Zillah; that the peons, not having found the Defendant, affixed the writing to the wall of his house; that the Defendant neither paid the arrear nor appeared before the Sub Collector in obedience to the order; that the Principal Collector of Malabar thereupon moved the Zillah Court by an application dated the 4th April 1825 to arrest the Defendant

as a Revenue Defaulter, under the provisions of clause first, Section XIV, Regulation XXVII of 1802; the the Zillah Court on the 23d April 18[illegible] issued a publication requiring the Defendant to deliver himself into custody within four weeks, calculat[ed] from the day following the date of the publication, and that the Defendant having failed to surrender himself within the time limited, the Zillah Court adjudged his proprietary right, and that of his heirs, in the estate, to be forfeited to Government.

3 On appeal by the Defendant Mooratta Kootty Atan, the Provincial Court reversed the decision of the Zillah Judge. The main ground of the reversal was that the action by the Principal Collector was not sustainable under the provisions of Section XIV, Regulation XXVII of 1802, even though that Regulation applied

339.

applied to Districts under Ryotwar settlement, which the Provincial Court considered extremely doubtful, with reference to the provisions of Section XXXVII Regulation XXVIII of 1802. On the supposition that Regulation XXVII of 1802 was applicable, the Provincial Court thought it incumbent on the Princl. Collector to shew, first, that the Defendant was an actual proprietor of land under that Regulation. Secondly, that an arrear was due, which the Collector, could not recover having exhausted all his powers means of compelling payment and thirdly, that the defendant was in open and avowed resistance to his authority; and upon all these points the Provincial Court considered the evidence defective or the proof altogether wanting. –

4 A general question of the highest

716

highest importance is raised in this case and the Sudr Court have given to the consideration of it a proportionate degree of care and attention.

5. The question is whether the provisions of Regulation XXVII of 1802 "prescribing the modes for the recovery of "arrears of public revenue from actual "proprietors of land, or farmers of land holding "farms immediately from Government" are applicable to the province of Malabar and other Districts which are under, what is termed, a Ryotwar settlement. The Provincial Court think these provisions inapplicable, because on a consideration of the whole tenor of Regulation XXVII, in connection with Regulation XXV of 1802, there appears no analogy between the landed proprietor and principles of assessment therein referred to, and those obtaining in Malabar, and they refer to

to Section XXXVIII, Regulation XXVIII of 1802 as pointing out the rules to be observed by a Collector for the recovery of arrears, in Districts under a Ryotwar settlement.—

By Section II, Regulation XXV of 1802, the resolution was declared of fixing a permanent assessment on all lands liable to pay revenue to Government, and it is very possible that the rules prescribed by Regulation XXVII, enacted on the same date, for the recovery of arrears of public revenue, were intended to apply exclusively to arrears due on account of lands, the assessment upon which should be permanently fixed. But if this was the original intention, it was abandoned in 1806. By Section III Regulation II of that year it was declared that Zillah Courts should be "established "in the several provinces, the land revenue "of which has not been permanently settled,

in the same manner as in the districts where the revenue has been permanently settled; by Section IV it was provided that "Collectors shall enter into written engagements with "Zemindars, Land holders and Farmers on "such terms, as may be deemed reasonable "by the Board of Revenue" - and by Section VI the provisions of Regulations XXVII and XXVIII of 1802 were expressly "extended "to all districts in which Zillah Courts "may be established" - The Provincial Court seem to have overlooked or to have misunderstood the effect of this enactment, which clearly made arrears of public revenue due on lands not permanently assessed recoverable under the same rules as arrears due on lands, the assessment upon which is permanently fixed; and the only question to be determined, previously to the application of those rules, is whether a defaulter comes within the description of "a propriet-

of

of land" contained in clause first, Section III Regulation XXVII of 1802, without any reference to the principles on which his land is assessed all that is required to subject him to those rules is that he should be a Zemindar, independant Talookdar, or the actual proprietor of the land, on account of which the arrear is due, and that the revenue assessed upon the estate should be payable by him immediately to Government, or that he should be a farmer of land holding the farm imme=diately from Government. On the face of the pleadings in this case it is perfectly clear that the Defaulter was an actual proprietor of land paying the revenue assessed on it immediately to Government, and that therefore the arrears due by him were recoverable under the rules prescribed in Regulation XXVII of 1802.—

7 In respect to section XXXVIII

Regulation

Regulation XXVIII of 1802, to which the Provincial Court refer as pointing out the rules to be observed by Collectors for recov[ering] arrears in Districts under, what is term[ed] a Ryotwar Settlement, it is obvious to remark that the construction of the concluding part of it which is the on[ly] part relevant to the present question, depends exclusively on what is meant by a Collector "making a Khas collection on the part of Government," and it appea[rs] to the Court that the meaning is define[d] by the words "where no settlement may "have been made with any proprietor "or farmer." Here, as in Regulation XXV[I] it is very possible that the "settlement" originally intended was the permanent settlement to be formed under the provisions of Regulation XXV of 1802, and "a Khas collection on the part of Government" might perhaps mean a collection of revenue from lands not permanently assessed, in contradistincti[on] to

to the collection from lands, the assess-
-ment upon which might be settled
in perpetuity. But unless the "settlement"
here mentioned is now construed without
reference to the principles on which
it is formed, it is plain that Regulation
II of 1806 would be totally inoperative
and nugatory, so far as it respects the
application of Regulation XXVII of 1802
to Unsettled Districts, that is, districts
the land revenue of which has not been
permanently settled, because the latter
had been already established in all the
settled Districts; and the measure of
extending the permanent settlement to
other Districts, as is well known,
had been abandoned; so that if the "settle-
ment" mentioned in Section XXXVII
Regulation XXVIII of 1802 is construed
to mean exclusively "the permanent
settlement" there are no districts to which
the provisions of Regulation XXVII of
1802 could possibly apply except those

69 346

to which they were before applicable.
But it appears to the Court quite clear
that in extending the provisions of
Regulation XXVII of 1802 to unsettled
districts it was the object of the legis-
-lature to establish one uniform process
for enforcing the payment of arrears
due by proprietors of land, whether the
public revenue payable thereon should
be permanently settled, or whether
it should be subject to annual or
other temporary adjustments.—

8 Under this construction
which appears to the Court to be the
only reasonable and consistent construc-
-tion that can be given to these enact-
-ments, the process to be observed
by a Collector for enforcing the payment
of arrears is determinable, not by the
nature and principles of the assessment
on the land, but with reference to the
persons by whom the arrears are due.
If the defaulter be a Zemindar, or
independent

independant Talookdar, or actual proprietor of the land on account of which the arrear is due, and the revenue is payable by him to the Collector or to his Subordinate Officers immediately on account of Government, or if he be a farmer, holding his farm immediately from Government, then the arrear is recoverable under the rules prescribed in Regulation XXVII of 1802. But when lands are held in attachment by the Collector or other public officer on behalf of a proprietor or farmer, or when lands are under the immediate management of the Collector or other public officer without any settlement with a proprietor or farmer, then, the defaulters standing in the same relation to the Collector as they would stand to the actual proprietor or farmer, supposing the land in the immediate possession and

management of a proprietor or farmer under
engagements with the Collector, the
arrears due by them are recoverable
in the mode prescribed in Regulation
XXVIII of 1802. In other words, the
arrears recoverable under Regulation
XXVII of 1802, are arrears of public
revenue, strictly so called, payable
by proprietors or farmers immediately
to the Collector or other public &a
officer of Government, under settle
-ments permanent or temporary; and
the arrears, recoverable under Regu=
lation XXVIII are 1st; arrears of rent, or
the private revenue of proprietors
or farmers, payable immediately to
them, or for their behoof to the &a
Collector or other public officer,
or to a manager; or 2nd, arrears of
public revenue, payable to the Collector
or other public officer, but not under

a

a settlement with a proprietor or farmer.

9 The general question involved in this case being thus disposed of, and it being shewn that the arrear due by the Defendant was recoverable under the provisions of Regulation XXVII of 1802, the next point for consideration is whether under these provisions the defaulter had incurred the forfeiture of his estate. And the Court are decidedly of opinion that he had not, because the proceedings of the Collector were ab-initio unwarranted, and at variance with the express provisions of the Regulation.

10 By section VIII it is expressly declared that proprietors of land shall not be liable to actual imprisonment for arrears of revenue unless 1st. where his entire estate and personal

personal property may be sold and the proceeds of the sale may not be sufficient to make good the sum due, and 2nd where his entire lands and personal property may be put up to sale; and no person may offer to purchase them, and by Section XXXIV it is provided that collectors shall not take into custody nor require the personal attendance of any proprietor of land, with whom a settlement shall have been concluded, except in the cases specified in the Regulation in which they are authorized to issue process against the persons of such proprietors. But in this case the first process issued by the Collector was in effect a process of arrest: it was an order requiring

him

him to pay the amount due, or to
appear before the Collector in Company
with the peons, for the purpose of
being conveyed to the Jail of the
Zillah; whereas under the express
provisions of the Regulation, before
such a process could be legally
issued, it was necessary 1st to demand
payment of the arrear in the
manner prescribed by Section IV;
2dly to attach the property of the
defaulter under Section V to such
extent as might be sufficient to
make good the arrear, and, if the
attachment extended to his lands,
to proceed in the manner prescribed
by Section X; and 3rd to put up the
attached lands to sale with a
reference to the express provisions
of Section VII which, under the
provisions

provisions contained in clause Fifth, Section XIII, could not be done till after the expiration of the Fusly year. It is clear then that the process against the defaulter was illegal, and he was not bound to obey it by delivering himself into the custody of the Peons; its illegality vitiates the whole of the subsequent proceedings; and the Collector's application to the Zillah Court for the arrest of the defaulter, under clause first, and the decree of forfeiture passed by the Zillah Judge under clause second, Section XIV, were both unwarranted.

11 It is plain, therefore, that the judgment of the Provincial Court

Court in this case, although the grounds of it are not strictly correct, is still substantially consistent with the Regulation, and that a Special appeal therefrom is not admissible under the provisions of clause First, Section IV, Regulation XV of 1816. It would have been different, if the Judgment had rested exclusively on the inapplicability of Regulation XXVII of 1802 to the province of Malabar, because then a point of general interest and importance not before decided by the Sudr Court, would have been directly involved in it, and the admission of a Special appeal would have been

been necessary for the final determi-
-nation of it. —

Read again Special appeal petition presented by the Vakeel Sreenivasacharry. —

12 This also is an application on behalf of the Principal Collector of Malabar for the admission of a special appeal from the Decree of the Provincial Court for the Western Division in appeal No. 17 of 1825 reversing the Judgment of the Zillah Court of Malabar in original suit No. 292 of 1825, whereby the proprietary right of the Defendant, Randoopoorac Kooyee Ahmed, and that of his heirs, to the family estate, was decreed to be forfeited to Government, under the provisions of Clause Second Section XII Regulation XXVII, 1802. —

13 The circumstances of this case are precisely the same as that of

Special

Special appeal No. 10 of 1827 which has just been discussed at length, and the Judges, on the same grounds as are before stated, resolve to reject, in this case likewise, the special appeal prayed for.

Extract from a letter to the Judges of the Sudder Adawlut dated 19th May 1829.

Suddr. Adawlut's Proceedings Para. 1 to 13.

Para. 2 "The Right Honorable the Governor in Council considers the view taken by you of the important general question which arose out of the cases discussed in these paragraphs to be clear, correct and satisfactory, and sees no reason to doubt the justness of your opinions on the merits of those particular cases. You are requested to communicate your opinion on the general question to the lower Courts for their information and guidance, if you have not already done so; and a copy of these para's will be furnished from this office to the Board of Revenue for the information of the Revenue officers in the Provinces."

(True Extract)
(Signed) John Orr
Acting Secty. to Govt.
(True Copies)

R. Porter
Asst. Sec. Dy. Secretary

Cd. [illegible]

Revenue Department
324

R.

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To the Principal Collector of
Madura

Sir, With reference to a Circular dated 16th ultimo from this Office, I am directed by the Board of Revenue to transmit for your information and guidance the accompanying Extract from their Proceedings under date the 30th ultimo.

I have the honor to be
Sir,
Your most Obedient Servant

Revenue Bd Office
Fort St George
3d August 1829
Desp 7th Do

[signature]
Actg Jr Dy Secretary

Extract from the Proceedings of the Board of Revenue under date the 30th July 1829.

Read again letter from Government under date the 28th July enclosing Extract from Minutes of Consultation —

28th July Para 1 — In pursuance of the instructions of Government the Board of Revenue with reference to their proceedings under date the 13th Instant, direct that the Surplus funds of all Estates under the Management of Collectors by orders of the Provincial Zillah and Auxiliary Courts as well as of the Sudder Adawlut, remaining in hand at the close of every Fusly shall be immediately invested as far

far as possible in Government Securities in the name of the Register of the Provincial Court or of the Judge & Assistant Judge or Register, as the case may be of the Zillah or Auxiliary Court by whose order the Estate is held under the management of the Collector and shall be transmitted to him to be lodged in the Treasury of his Court. —

2 — The Board further direct that the Statement ordered under date the 13th Instant to be furnished direct to the Sudder Adawlut, be furnished through this Office in order that it may be compared with the detailed account and certified to be correct.

3 The Collectors will furnish

similar

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similar Statements of the surplus funds of the Estates under their management by orders of the Provincial Zillah and Auxiliary Courts, shewing distinctly the amount actually invested, the amount ready to be invested, and the balance if any

(True Extract)

W. Porter
Acty Dy Secretary

[illegible]

Revenue Department

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Rd.

To the Principal Collector of
Madura

Sir,

I am directed by the Board of Revenue, with reference to their Circular orders dated the 13th July 1826 to transmit for your information an Extract from the Register of Petitions referred to you in the Month of June last —

Revenue Board Office
Fort St. George
10th August 1829
Despd 24th do — do

I have the honor to be
Sir,
Your most Obedient Servant

[signature]
Actg Pr. Dy Secretary —

Madura

Extract from the Register of Petitions for the month of June 1829.

[illegible]	Names of the Petitioners	Purport of the Petitions	Orders of the Board
5	From Vencatashasha chella Chitty and Alwar Chitty Gomastahs to the late Shroff in the Huzzoor Treasury of Madura —	State that they are not answerable for the crimes with which the late Shroff and treasury servants at Madura are charged as they were obliged to act according to their orders — Pray that they may be released on security, as they are the only two Gomastahs from whom security has not been taken. —	The Principal Collector of Madura will be pleased to report by Endorsement upon this petition. — 4th June 1829. (Signed) R. T. Porter Acting Jr. Dy. Secy.
25	From Annumbuttoo and Gooroo Avadany who enjoy as Snrowma[illegible] of Canday in the Zillah of Madura	State that the village of Canday has been in the possession of his family for many years until July 1230 when Ramiah the Sheristadar wished to obtain half of it, and upon the petitioners refusing to give up the half he managed to get it put under Amanny. —	The Principal Collector of Madura will be pleased to report by Endorsement on this petition 4th June 1829. — (Signed) R. T. Porter Acting Jr. Dy. Secretary
35	From Streenivasa Iyengar late Tahsildar of Tiruccumbur Talook in the Zillah of Madura. —	States that he has been unjustly fined and imprisoned by the Principal Collector who did not forward his appeal petition — Prays to be liberated and have his fine remitted. —	Under the explanation which has been furnished by the Principal Collector the Board deem it proper to reject the prayer of this petition. — 15th June 1829. (Signed) R. T. Porter Actg. Jr. Dy. Secy.

(True Extract)

R T Porter
Acting Jr. Dy. Secy.

Ed. W. Elmon

Revenue Department
388.

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To

The Principal Collector
of
Madura

Sir,

I am directed by the Board of Revenue to transmit for your informa[tion] and guidance Copy of the General Rules to be observed in the issue of grants of waste land for the support of Choultries built for the accommodation of Travellers in the Provinces under the Madras Presidency, which have received the sanction of Government.

Sanction 11th Aug 1829

I am further directed to return for consideration and report, with

with reference to these rules, the accompanying application for a grant of this nature, submitted with your Predecessor's letter of 29th March 1828.

Revenue Bd. Office
Fort St. George
20th August 1829

I have the honor to be
Sir
Your most obedient Servant

[illegible]
Secretary

Desp.d 28th &c &c

N.º 661.

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4

R. 93 :

General Rules to be observed in the Issue of Grants of waste land for the support of Choultries built for the accommodation of travellers in the Provinces under the Madras Presidency

1 No Choultry built by any individual, shall be henceforward entitled to a grant of waste land, unless the concurrence of the Collector as to the utility of the building, shall have been obtained, previously to its erection.

2 In no case shall the extent of waste land granted for the support of a Choultry of the above nature be greater than is subject to an assessment of sixty Rupees per annum.

3 No two Choultries on the same line of road shall be considered entitled to grants of waste land unless a distance of at least ten

miles

miles intervenes between them; every

under such particular circumstance

as may induce a Collector to consider

himself authorized to recommend a deviation

-tion from this general rule.

It will be the duty of

every Collector to ascertain from time

to time that the Choultries for which

grants of land are given are kept in

good repair, and the proper establishment

maintained for the benefit of travellers

&c. &c. Every grant of land made

for objects of this nature will be resumed

as soon as the object for which the

choultry was built is abandoned.

A yearly return will be

furnished by all Collectors of such

choultries as may have already obtained

or may henceforward obtain grants

of land for their support in the

following

following form.

Name of District	Name of village where a Choultry is situated	By whom built	Quantity of land granted for its support	Value of land granted for its support	Date of authority for grant.	Remarks.
						In this Column the Collector will explain the present state of the Choultry whether it is efficiently applied to the purposes for which it originally obtained a Grant of land.

9th July 1829.

D. Hill
Secretary.

Translation of a Petition from Saibas Cawn Major Subidar of the Invalid Battalion stationed at Dindigul.

Troops Gentlemen and travellers travel from Dindigul to Trichinopoly – from Dindigul to Manaparai it is 4 1/2 Kauthoms – Keernoor is in the centre between these two places at the distance of 2 1/2 Kauthoms situated on the high road in the Comaravadly Zemindary of the Marangapoory Talook, where travellers generally come and halt to refresh themselves – there is no Choultry or a Village at the place but thick Jungle, and the travellers have no place to shelter themselves from the Weather – Having seen the place very often myself, my mind suggested the following to be adopted, and which as it depends upon your favorable consideration to be Effected, I therefore crave as follows –

I propose to build a Charitable Chettrom at Keernoor from my own property, and therefore beg that I may be permitted to do so, and that the necessary assistance may be ordered to be afforded to me, but as it will cost me 15 Rupees ℔ Month or 180 Rupees

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ᵽ Year for furnishing travellers with Butter=milk & water, Salt, pickle &c. and the pay of a Sweeper to keep the place clean and to light a lamp therein, and as I have a large family myself, and am in the Service of the Honorable Company, and as Life is uncertain, and I have been long in the Service under severe hardships, I humbly hope that in order to ensure permanent Security for the maintenance of the said Charity, that 300 Koolies of old Punjah Waste land in Keernoor may be granted to me, and that the teerwah thereof may be fixed at 1/8 Rupee ᵽ Koolly, amounting to Rupees 37½ ᵽ Year, or otherwise that the Maunigum land granted for the Poothoovaudee Chettrom, and which is partly enjoyed by the Rattamkar may be granted for this purpose, and should any part of that land be unfit for Cultivation that other land in lieu of it may be granted for which act of Charity — I shall ever pray.

21st November 1827. (Signed) Saubas Cawn

True translation

[illegible]

M
Ld. 636
Paid 3d April
1828

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6.

To the Sub Collector of Madura &
Dindigul

Sir,

With reference to your letter of the 23rd ultimo, I am directed by the Board of Revenue to transmit for your information and guidance copies of the undermentioned Letters.

From the Secretary to Govt. 18th August 1829

I have the honor to be,

Sir,

Your most obedient Servant.

FORT ST. GEORGE,
20th Augt. 1829.

[illegible]

Secretary.

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Fort St George 18th August 1829

No. 576

Revenue Dept.

Gentlemen,

I am directed to acknowledge the receipt of your Secretary's letter of the 6th Instant, No. 349, and to state, that, agreeably to your recommendation, the Right Honble the Governor in Council authorizes the Principal Collector of Madura to continue to each of the two sons (named Ramasawmy Iyengar and Venketa Kistna Iyengar) of Ponnyengar, a late incumbent on the Yomiah list of that District a moiety of the Yomiah of three fourths of a Cully fanam per diem enjoyed by him.

(Signed) H. Chamier
Secy. to Govt.

To the President & Members of the
Board of Revenue

(True Copy)
[illegible]
Secretary.

[illegible]

Revenue Department

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Re.

To the Principal Collector of

Madura & Dindigul

Sir,

Para 1 I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 1st Instant, recommending that the Village of Yellarpully should be restored to the Pagoda of Veeragavapermaul, from which it was alienated by the Nabob Wallajah, in favour of a Moorshee named Habibolla.

2 The Board are of opinion that by making over the Village to Habibolla, the intention of the Nabob was that its alienation from the Veeragavapermaul Coil should be

entire

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entire; and they think therefore that the resumption, if any, should be in favour of the Circar —

3 I am directed to take this opportunity of requesting your report

No. 500 of 1829 upon the enclosed petition lately received from the sons of the original grantee —

Revenue Board Office
Fort St. George
27th August 1829
Recd. 1st Septr. do

I have the honor to be
Sir,
Your most Obedient Servant
D. Hill
Secretary —

E. A. Hillman

480.

(107)

Reg.

To the Principal Collector of

Madura & Dindigul

Sir,

I am directed by the Board of Revenue to draw your attention to my letter of the 9th July last, requesting you to submit a Statement of the Enams &c of the Village Officers in your District without delay, and to desire you will furnish the same at as early a period as possible, the information being required immediately for a particular occasion -

Revenue Bd Office
Fort St George
28th September 1829 -
Desd 6 Oct

I have the honor to be
Sir,
Your most obedient Servant.

Roberts -
Dy Secretary

Comp. W.G.

Revenue Department

.527.

109

To the Principal Collector of

Madura & Dindigul

Sir,

I am directed by the Board of Revenue with reference to their Circular orders dated 15th July 1826, to transmit for your information an extract from the Register of Petitions referred to you in the month of August last.—

Revenue Board Office
Fort St. George
15th October 1829
Despd. 4th Novr. Do.

I have the honor to be
Sir,
Your most Obedient Servant

W Porter
Actg Sr. Dy. Secy

[illegible]

		truth of these assertions & complains that he was detained and suffered great trouble from the opposite party, when on his way to give information to the Principal Collector —	
78	From Sautoorow late Native Record Keeper of the Principal Collector's Cutcherry at Madura —	States that he has served the Company in various capacities from 1803 until 1826 when he was made Record Keeper in the Huzzoor upon a Salary of 70 Rupees per Mensem on the arrival of Mr Viveash he was turned out without any cause being alleged. Prays that he may be restored or have a Pension allowed him	The Principal Collector of Madura will be pleased to report on this Petition case — 24th August 1829 — (Signed) R. T. Porter Acting Dy Secy
302	From Soondara Row late Tasseeldar of Thenkurry in Madura Zillah —	States that he was suspended from his employment and ordered to attend at the Huzzoor to give explanation of a sum of money expended at one of the late Elephant hunts — that he gave a satisfactory explanation and the accounts was adjusted but notwithstanding that he has not been restored to his situation —	The Principal Collector of Madura will be pleased to report upon this Petitioner's case by endorsement 27th August 1829 — (Signed) R. T. Porter Acting Dy Secy

580. From Goolam Hossain Mahommed and Assadoolla sons of Mahommed & Abdoolah —

Rs.

Praying for the restoration of the Village of Yalessaputty at a Quit rent of 35 Caley Chucrums, the terms upon which it was originally granted to them. —

Referred by a letter under date the 27th August 1829

[True Extract]

A. Porter
Actg. Dn. Sy. Secy.

Compd. W.G.

Madura

Extract from the Register of Petitions for the Month of August 1829 –

Number of the Petitions	Names of the Petitioners	Purports of the Petitions	Orders of the Board
464 /	Poon Puwata nacheeyar widow of Mootoovejaya Ragoonadah Yavoorevud-labah pareyaoodeata-ver late Zemindar of Sevagunga in the Zillah of Madura –	States that the nephew of the late Zemindar by means of a forged Will, is endeavouring to get himself appointed to succeed to the Zemindary that the Zemindar intended in the event of her not producing a son, to adopt his daughter's son as his heir but did not make a Will to that effect, intending to wait the result of her confinement. Prays that her manager Soolyah may be examined as to the [illegible]	The Petitioner is referred to the Principal Collector of Madura to whom instructions on her case were issued under date 15th Instant – 3d August 1829 – (Signed) R. T. Porter Acting D. Sec.

R

Revenue Department
504

4

115

To the Principal Collector in
Madura and Dindigul

Sir,

I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 1st August last reporting upon Petition No. 325 of 1829 relative to the possession of the Village of Cawdoff, and to inform you that the Board approve of the arrangement proposed by you in para 5. and desire that you will communicate with the Petitioners upon the subject.

2 You are requested to return to the parties their Petition enclosed herein bearing an Endorsement

by

505

by the Board.

I have the honor to be

Sir,

Your Most Obedient Servant,

D. Hill
Secretary

Recd. B. Office
Fort St. George
26th October 1829
Dispd. 29. D.

C. T. Schmarz

512

REVENUE DEPARTMENT.

Q. 117

To the PRINCIPAL COLLECTOR of

Madura.

Sir,

With reference to your letters of the 6 & 11 August

I am directed by the Board of Revenue to transmit for your information and guidance Copies of the undermentioned Letters.

To the Chief Secretary to Govt. 27th August 1829
To — Do — do — to do 17th September "
From the Secretary to Government 20 October "

I have the honor to be,

Sir,

Your most obedient Servant,

D. Hill

Secretary.

OFFICE OF THE BOARD OF REVENUE:
FORT ST. GEORGE,
26 October 1829.

Desp 31. Do —

Revenue Department

514

119

No. 357

To

The Chief Secretary to
Government

Sir,

Para 1 With reference to Mr. Secretary Chamier's letter under date the 31st Ultimo, I am directed by the Board of Revenue to request that you will submit for the information of the Right Honorable the Governor in Council

11th August 1829 the letters noted in the Margin from the Principal Collector of Madura.-

2 It will be observed that the Nephew of the late Zemindar of Shevagunga has not paid the arrears due against the Estate, but that

to

he is understood to be ready to pay the amount as soon as the Principal Collector notifies to him that he is prepared to deliver the Zemindary to his management. This the Principal Collector has not done on account of the opposition made by the husband of the late Zeminder's daughter as stated in his letter of the 6th Instant.

3 The Board are of opinion with reference to the opposition alluded to that the best course will be to deliver over the Zemindary to the charge of the Nephew of the late Zeminder on his paying up the arrears of it and giving security for its due administration.

Revenue Board Office
Fort St. George
27th August 1829

(Signed) D. Eliott
Secretary

516.

No. 392 121

R.

To

The Chief Secretary to Government.

Sir,

With reference to my letter of the 27.th Ultimo regarding the Zemindary of Shevagunga I am directed by the Board of Revenue to request that you will submit to the Right Honorable the Governor in Council the

9 of 1829 accompanying petition in the name of the Grandson of the late Zemindar by one of his daughters whose claims are mentioned in the letter from the Principal Collector of Madura

dated

517

dated the 6.th Ultimo enclosed in my letter of the 27.th above referred to.-

Rev: Board Office
Fort St. George
17.th September 1829

(Signed) D: Elliott
Secretary

Fort St. George 20.th October 1829

No. 715

Gentlemen,

Revenue Department.

Para. 1 I am directed to acknowledge the receipt of your Secretary's letters of date the 27.th August and 17.th September last, No. 357 and 392, respecting the Zemindary of Shivagunga.-

2 Under the circumstances stated in the Principal Collector's letter of the 6.th August 1829

To
The President and Members
of the
Board of Revenue

1829, the Right Honorable the Governor in Council concur with you in opinion that the best course will be to deliver over the Zemindary to the charge of the Nephew of the late Zemindar pending the issue of the Widow's pregnancy, on his paying up the arrears against it and giving security for its due administration; and requests that you will furnish the Principal Collector of Madura with instructions accordingly.

(Signed) H. Chamier

Secretary to Government

(True Copies)

D. Hill

Secretary.

Comp. W. G.

125

Revenue Department
532

To

The Principal Collector

of

Madura

R

Sir,

I am directed by the Board of Revenue with reference to their Circular orders dated 13th July 1826, to transmit for your information an Extract from the Register of Petitions referred to you in the Month of September last. –

I have the honor to be
Sir,
Your Most Obedient Servant

Revenue Bd Office
Fort St George
2nd November 1829
Diap. 30th Do.

[signature]
Actg Jr Dy Secretary

Comp. W.G.

Extract from the Register of Petitions for the month of September 1829

Number of the Petitions	Names of the Petitioners	Purports of the Petitions	Orders of the Board
542 ſ	From Makootoom Sahebah widow of late Cheramsah and her son Oomer Saib Madura	Prays for the renewal of a Yeomiah granted by the Nabob Wallahjah to her late Husband for performing services of a certain Mosque	The Principal Collector of Madura will be pleased to report by endorsement in this Petition — 7th September 1829 — (Signed) R. T. Porter Actg. Sr. Dy. Secy.
543 ✓	From Dadee bee Saik Mahomed Yea Yeomiahdar in the Zillah of Madura	Complains that the Principal Collector stops a share of a certain hereditary Yeomiah at the death of each of the incumbents	Do. — Do.

184

553	From Lutchoomummah wife of Vencatasashachella chetty Late Goomastah to the Shroff in the Madura Treasury —	Appeals against the sentence passed by the Zillah Judge upon her husband Vencata Sashachella Chetty Late Gomastah to the Shroff in the Madura Treasury - prays that he may be released and his situation restored to him —	The petitioner is referred to the Principal Collector of Madura with reference to the Board's Endorse-ment on No. 315 of 1829 10th September 1829 - (Signed) R. J. Porter Acting Dy. Secy.
576	From Arunachellum Pillay son of Moottoocaroopa-pillay one of the Maunegum-dars of Murdagum Village at Ramnad in Madura.	Prays that the Village of Murdagum which he states was originally given to his ancestors as Survamaunegum may be restored to him. —	The Petitioner is referred to the Principal Collector of Madura who will report upon his claim by Endorsement 24th September 1829 (Signed) R. J. Porter Acting Dy. Secy.

513 / 5	From Velliammah, Paupy ammal, Mootiammal, Chinnatty ammal, Paupy ammal, Audemma ammal, Lutchemy ammal, Seekkummal and Velly ammal	Protesting against the claims of Mottoo Munjaya Naick Brother of the Cadavore Zemindar to the Zemindary of Ramagherry. —	The Princ.l Collector of Madura has received instructions upon the point alluded to by the Petitioners. — 21st September 1829. (Signed) R. T. Porter Acting Pr. Dy. Secy.
514 / 5	From Mottoonumgiah Mottaya Naick Zemindar of Cadavoor in the Zillah of Madura	Stating his claim to succeed to the Zemindary of Ramagherry by Right of inheritance. —	The claim of the Petitioner is inadmissible. — 21st September 1829. (Signed) R. T. Porter Acting Pr. Dy. Secy.
412	From T. Coopiah late English Record Keeper in the Principal Collector's Cutcherry of Madura —	Complains that he has been dismissed from his situation for a trifling offence, after 16 years' service — prays that he may be restored to his old appointment or to some other or if that cannot be granted that he may be allowed a Pension. —	From the report of the Principal Collector of Madura the Board are of opinion that the Petitioner's request is inadmissible. His Petition is therefore rejected. 17th September 1829. (Signed) R. T. Porter Actg. Pr. Dy. Secy.

Comp. W. G.

True Extract

W. Pater
Acting P. Dy. Secy.

586

To the Principal Collector of
Madura

Re.

Sir,

I am directed by the Board of Revenue to call your attention to Mr. A. Robertson's letter of the 28th September last, and to remind you that the State=ment of the Enams &ca of the Village officers in your District has not yet been received, altho' you were assured it was urgently required for a particular occasion –

Revenue Board Office
Fort St. George
5th November 1829
Le sp. 10th d. d.

I have the honor to be
Sir,
Your Most Obedient Servant

[signature]
Actg Junr. Dy. Secretary

Comp. W.G.

Revenue Department

622

133

Circular

To the Principal Collector of

Madura & Dindigul

Sir,

I am directed by the Board of Revenue to transmit for your information and guidance the accompanying Extract from the Minutes of Consultation of the Governor in Council, prescribing the channel through which applications for Grants of land in Forts and Military Cantonments shall in future be submitted to Government. —

Recd. in a letter from Govt. 13 Novr. Paras 1 & 2

I have the honor to be

Sir,

Your Most Obedient Servant

W. Pater

Acting Secy. Secretary —

Rev. Bd. Office
Fort St. George
26th November 1829
Despd. 11th do. — do.

C. Wehman

624

135

Extract from the Minutes of Consultation dated 6th November 1829.

Para 1. "Doubts having arisen as to the Channel through which applications for Grants of Land situated within Forts and Military Cantonments should be submitted to Government the Right Honorable the Governor in Council is pleased to declare Paragraphs 36 at 42 of the Quarter Master General's Regulations to be still in force with the exception of that part of the 37th Clause which restricts the terms of leases to a period of 21 years, and the portion of the 42 Paragraph which in reference to the General Order by Government

of

5

of the 8th May 1812 prescribes the Military Board as the channel through which applications for Grants should be submitted to Government." –

2. Applications for Grants of Land within the Limits of Forts and Military Cantonments will be made hereafter in the first instance to Officers Commanding who on having satisfied themselves as to the propriety of each particular Grant will forward the application to the Quarter Master General of the Army who having received His Excellency the Commander in Chief's orders will submit them for the approval or rejection of Government, in event of their being sanctioned the resolution of Government will be communicated to the Military Board by whom the usual Lease will be prepared." –

(True Extract)

[illegible signature]

[illegible signature]

Revenue Department

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Re.

To the Principal Collector of

Madura & Dindigul

Sir,

Para 1 I am directed by the Bo[ard]
of Revenue to acknowledge the recei[pt]
of your letter of the 17th November
recommending the continuance of
a Yeomiah to the family of the Decea[sed]
incumbent

2 In the enclosed Statemen[t]
it is observed that the Yeomiah was
originally granted for the maintenance
of the grantee, and for defraying the
charges of a Mosque at Sholavanda[n]
In the translation of the copy of the
Purwanah for this grant it is said
also to be for the maintenance of
the Grantee, and for defraying the
charges

541

charges of the Mosque but in your Letter you say it was for performing services at the Mokam of Sholaumden and in the Persian the word is Mokam The Board wish to know what is the nature of the institution, and what are the services performed, and the charges incurred, and whether in your opinion it is necessary to maintain the institution, and also, in whose name you propose that the Yomiah shall be continued.

I have the honor to be

Revenue Board Office
Fort St George
10th December 1829

Sir,
Your most Obedient Servant

D Hill
Secretary

Desp^d 12th D^o

C S Hebmen

642

139

Calling for further information on the application for the continuance of the Mohawk Indian allowance

Revenue Department

644.

& Re.

141

To

The Principal Collector of

Madura.

Sir,

I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 3d Instant, reporting that the Zemindary of Shevagunga has been released from attachment and recommending that the present Zemindar may be installed with the usual Ceremonies. The Board suppose that by the present Zemindar you mean the Nephew of the late Zemindar, and they presume that in withdrawing your attachment you have left the Zemindary in the possession of this person. I am directed to remind you that in my letter of the 13th July last,

you

645

you were instructed that until the delivery of the Widow of course the claim of the Nephew of the late Zemindar to be acknowledged as his heir and Successor must be kept in abeyance, and to transmit for your information the accompanying Copy of a letter addressed to Government on the receipt of the intelligence of the delivery of the Widow the birth of a daughter conveyed in your letter of the 5th Ultimo. You will perceive that the Board recommended that the Estate should be retained under attachment until either of the parties claiming the succession should be authorized by the Zillah to take charge of it. The Board regret that you have acted so hastily on this occasion and taken upon yourself to anticipate the

Dated 12th Novr 1829.

143

the decision of Government as to the course proper to be followed.

I have the honor to be
Sir,
Your most obedient Servant

D Hill
Secretary

Revenue Board Office
Fort St. George
10th December 1829

Recd 18 Do

C. F. Vibart(?)

547.

No. 813

Petition recommended
to Government that the
Slaves on estate be kept
under attachment untill
the Courts have decided
in whose possession it
sho.d be placed.

Revenue Department

648

No. 497

Re

To

The Acting Chief Secretary to Government

Sir,

Para 1. With reference to the Correspondence noted in the margin, I am directed by the Board of Revenue to request that you will submit the accompanying letter from the Principal Collector of Madura enclosing addresses to the Right Honorable the Governor and the Board from the Mother, Vadaga Taver and Nephew of the late Zemindar of Shevagunga appointed by the Will of the deceased to be his successor in the case of failure of male issue by the Wife whom he left pregnant.

13th July
" 31st July
" 20th August
" 17 Sept
" " 20 Oct

2 It appears that the Widow of

649

of the late Zemindar who was pregnant at the time of his death has given birth to a female child. In this case as the succession is disputed between the Nephew of the late Zemindar and his grandson by a daughter, and as the Zemindary is under attachment the Board think it will be the most prudent course to refer the parties to the Zillah Judge under Section XVI Regulation III of 1802 with an intimation that the Zemindary will be put into the possession of either of them who shall produce an order from the Court to that effect, on payment of the arrears due, and that in the mean time it will be continued under attachment.

Revenue Board Office
Fort St. George
12th November 1829.

(Signed) D. Eliott. Secretary.

(True Copy)

R. Keith
Secretary

[illegible]

Revenue Department

552

Circular 4 107

To the Principal Collector of

Madura & Dindigul

Sir,

The Court of Directors having had under consideration certain cases in which lands subject to assessment were alienated by Collectors without authority, they have directed that "Should any similar misappropriation of the permanent resources of Government again occur, the alienation be immediately resumed and that the officer by whom it may have been made shall be required to refund any loss of Revenue which may in consequence have occurred."

[margin:] General Letter 31st July 1828. Para 109

This order I am desired by the Board of

3

of Revenue under instructions from
Government to communicate to you
for your information and guidance
with reference to section 14th. Reg
II. of 1803 —

Revenue Board Office
Fort St. George
10th. December 1829
Desp'd 23d. do.

I have the honor to be
Sir,
Your most Obedient Servant

[signature]
Acting Dy. Secretary

[signature]

No. 812.

Notifying determination of the Court of Directors that Losses occasioned by unauthorized alienation of lands shall be made good by the Public Officer making such alienation

155

10   556

REVENUE DEPARTMENT.

Re   15

To the PRINCIPAL COLLECTOR of Madura

Sir,

With reference to my letter of the 10th Instant, I am directed by the Board of Revenue to transmit for your information and guidance Copy of the undermentioned Letter.

From the Secretary to Govt 11 December 1829

OFFICE OF THE BOARD OF REVENUE:
FORT ST. GEORGE,
17th December 1829.

I have the honor to be,

Sir,

Your most obedient Servant,

D. Hill

Secretary.

Recd 23

657.

No. 814

Directing that
the Vurrapaage [?] Zemindary
be placed in possession
of Mudduz [?] Padayer [?] Saree [?]
Nephew of the deceased
Zemindar as heir

638

153 Q.

Fort St. George 11th December 182[illegible]

No. 909.

Gentlemen,

[illegible] Department. Para. 1. I am directed to acknowledge the receipt of your Secretary's letter of the 12th Ultimo, No. 899.

2. As it appears from the Principal Collector's letter of the 6th August 1829 that Mudu Vadaga Taver, the nephew of the deceased Zemindar "is generally considered entitled to succession, independently of the "Will in his favor, in default of male issue by "the pregnant widow"; and from his letter of the 5th Ultimo, that "the Heads of the Shevagunga "Samasthanum have expressed their concurrence "in the arrangement contemplated by the Will," the Right Honorable the Governor in Council is of opinion that as the widow has been delivered of a female Child, the Zemindary

should

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should be made over to Muda Vadaga Iṣṣar on payment of the arrears outstanding, and desires that you will furnish the Principal Collector with instructions accordingly.

To

The President and Members
of the
Board of Revenue.

(Signed) H. Chamier
Secty to Govt.

True Copy.

[illegible]
Secretary.

C. [illegible]

155

3/82

REVENUE DEPARTMENT.

R

TO THE PRINCIPAL COLLECTOR of Madura

SIR,

With reference to your letter of the 7th Feby last, I am directed by the Board of Revenue to transmit for your information and guidance Copy of the undermentioned Letter.

From the Secy to Government 11th December 1829

OFFICE OF THE BOARD OF REVENUE:
FORT ST. GEORGE,
17th December 1829.

Despd. 26 "

I have the honor to be,

Sir,

Your most obedient Servant,

[signature]

Secretary.

[illegible]

(15) 164

Fort St. George 11th December 1829

No. 898

Rec.

Revenue Depart.

Gentlemen,

With reference to your Secretary's letter of the 16th February last No. 63, I am directed by the Right Honorable the Governor in Council to transmit, for your information and for that of the Principal Collector of Madura & Tanjore, the accompanying copy of a letter and enclosure from the Deputy Secretary to Government at Colombo relative to the Claims of the certain Pagodas in Ramnad & Tanjore to the priviledge of certain boats to be fished on account of those Pagodas at the Pearl Fisheries at Arrippo—

To The President & Members of the Board of Revenue

(Signed) H. Chamier
Secretary to Government

Chief Secretary's Office
Colombo November 7th 1829

Sir,

Referring to my letter of the 20th

20th March last in reply to the communication of the Acting Secretary to Government under date the 5th of that Month and the previous correspondence, I am now directed to state for the information of the Right Hon'ble the Governor in Council the view which His Excellency the Governor takes in respect to the claims of the several Pagodas in Carnatic and Tanjore to the privilege of certain Boats to be fished on account of those Pagodas at the Pearl Fishery at Arip.

After a diligent search amongst the Records of this Government it has been ascertained that His Excellency Governor North did in the year 1799 recognize the claims of the several Pagodas as follows —

1 Rameseram to have —— 2 Boats
2 Terpesaynam or Teroopollanne — 1 — Do
3 Teroovattoracosa Manga — 1 — Do
4 Terusoondra or Trechendoor — 1 — Do
5 Nagore Chinnatambe Mercayr — 2 — Do

These

These Claims appear to have been founded on the instances of the four first mentioned Pagodas upon certain Grants described in Copper Plates, Translations of which are recorded and the substance of each of them is -

"1st. Ramisseram or Ramasuram on the 25th of the Month of Tye of the Hindoo year Rattachee (answering to the 5th day of February A.D. 1610) Dalavoy Setoopatee Cauttan Dewan (Sovereign Prince of the Countries round Ramnad) doth dedicate ten Stones (Two Boats) in the Pearl Fishery of Manar to the Pagoda of Ramisseram in order that the Profits arising therefrom may be applied to the performance of religious Ceremonies at the said Pagoda.-

2d. Terrpasaynam or Terroopillaune on the 25th day of Panjoone of the Hindoo year

year Bahoodhanah (answering to the 5th day of
April A.D. 1697) Heeranyagurbhayaujee
Ragoonaudah Setoopatee Cauttha Dever
(Sovereign Prince of the Countries round
Ramnad Styled conqueror of Ceylon and
Jaffna) doth dedicate one Boat with
five stones in the Pearl Fishery of Manar
as Enam (Gift) or Charitable act.

3 Teroovottoracosa Manga or Uttara-
cosa Mungay. On the 7th day of the Month
of Vyausee of the Hindoo year Crodhee
(answering to the 16th day of May A.D. 1725)
Vijeah Ragonada Setoopatee Cautta
Dever (Sovereign Prince of the Countries
round Ramnad) doth permit as Dhe
as Enam (Gift) to fish the Pearl Boat
Manar for Days &ca for the use of the
God and Goddess of the said Pagoda

4th

T. L. S.

4th Terossoendra Terosendere or Teroochendoor - In the month of Chitteri of the Hindo year Sorwadharee (answering to April A. C. 1542) Vyjacoomara Moottoo Runga Lockalinga Jedomaly Naicker Swamee (Sovereign Prince of Madura, and styled Sovereign Lord of the Pearl Fishery) doth grant and deliver a Dhony with five Stones at the Pearl Fishery of Manar and another Dhony with as many Stones at the Pearl Fishery of Tutocoreen by way of Donation to the God of Teroochendoor"—

There is also recorded the translation of another Grant the substance of which will be found in the following Statement—

"Nagore - There is no specific grant in favour of this Mahomedan Temple but

there

669

there is one from Sockalinga Terroomaly
Naik Swamee Sovereign Prince of Madura
dated the Month of Tie of the Hindoo year
Manmada answering to January A: D: 1653
in favor of one Moodeliar Pille Moreaun
the Head of the Cholias or Moors, by
which it appears that the said Moodeliar
Pille Moreaun for his services in peopling
the Town now called Cayalpatam was
allowed to enjoy several privileges & for
his Superintending the Pearl Fisheries at
Manar and Tootocoreen, which he is ~
authorized to do every year, he was allowed
to have ten Stones to be dived for him at
the said two places" This Grant it is ~
supposed has reference to the Claim on
behalf of the Nagore Temple but which
from any thing set forth in that document
would appear to be a mere matter of
supposition

supposition —

The number of Boats as before specified were in consequence reserved for the use of the several Temples and delivered over to their accredited agents at all the subsequent rented Fisheries until that of 1829 the last that was rented —

There was a small Fishery in 1820 which was managed by Government in Aumanee as was the Fishery of 1828 which was also not extensive and as before stated it appearing to be the custom at least so far as information can be obtained here, not to concede these Temple claims in instances in which the Pearl Fishery was retained in the immediate hands of Government His Excellency considers that custom would of itself perhaps be a sufficient answer in the negative to the claim preferred

on

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on behalf of the Temples upon those occasions did there not exist the objections to a concession of them, both as regards rented as well as unrented Fisheries —

The grounds upon which Governor North the first Governor of Ceylon for His Majesty's Government conceded these Claims in instances of rented Fisheries or his successors in the Administration of the Government after him have not been recorded, however independent of the grants upon which the claims are founded it is assumed to have been conceived that the superstitious prejudices of the Natives required some encouragement of the kind and that an inducement to the Temples to exercise their influence over the Divers and Proprietors of Boats so that they might the more readily resort to Aripo to assist in carrying

on

T. J.

in Pearl Fisheries was politically expedien[t]
however this may have been His Excellency the
Governor has always doubted how far the Briti[sh]
Government could be lawfully or rightfully
called upon, to concede these claims, restin[g]
as they do, upon the mere foundations of
the Grants produced and His Excellency
is inclined to imagine that the concession
of them by the former Governors of Ceylon
must have originated more from conside-
-ring the measure as one of expediency and
indulgence than of absolute right. His
Excellency is the more inclined to adopt th[is]
view of the subject as the Pearl Fishery
at Aripo has become the exclusive Property
of the British Government by right of con-
-quest without any stipulations reserving
to the Temples in Ramnad & Tanjore the
privilege now under consideration - the
Claim to which is founded upon grants
made

573 made by former Native Rulers of the Country —

His Excellency has however in the absence of the law Officer of the Crown, thought it proper to consult the Judges of the Supreme Court upon the legality of the claim & I am directed to transmit a Copy of their Reply which accords in great measure with the view His Excellency has taken —

Upon the ground of expediency His Excellency is very doubtful whether the necessity exists of continuing these concessions to the Temples. Circumstances are materially altered while the superstitious prejudices of the Natives do not appear to have existence to the same extent as in former times. His Excellency is willing to believe that the large Profits derived by the Divers & Proprietors of Boats being one fourth of the Oysters fished will always operate as an ample inducement to them to undertake the

Fishery

Fishery if left to their own free choice —

I am therefore instructed to state that His Excellency the Governor does not consider himself authorized to accede to the claims that have been preferred on behalf of the Pagodas in question either as a measure of right or one of expediency or as referable to rented Pearl Fisheries or those retained in the hands of Government without the previous authority of His Majesty's Government in England and a reference on the subject will be made to the Secretary of State —

(Signed) Thos Eden
Deputy Secretary

The Chief Secretary to Government
Fort St George

Colombo 30th October 1829

Sir,

We have the honor to acknowledge Your Excellency's letter of the 16th Instant requesting

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requesting our opinion respecting a claim made by certain Pagodas on the continent of India to fish with a Number of Boats for the benefit of those Temples at every Pearl Fishing at Aripo—

The claim certainly appears to be supported by grants from some of the Indian Chiefs supposing that they had a right of making such Grants, and also by concessions on the part of the Authorities or Governors of Ceylon from the year 1796 to 1814.

But upon considering the origin and the nature of this claim, we do not think that the documents before us would furnish sufficient grounds in point of Law, to call upon a Court of Justice to enforce it.—

Allowing that the grants of the Indian Rajahs or Chiefs were

binding

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binding on their successors and on all who derive their Title to the Fishery thro' them; we do not think that any obligation to continue the privileges conceded, was imposed upon the Dutch or any other nation which derived its Title from conquest and even admitting that the Dutch had allowed the native powers or their Grantees to participate in the benefits of the Fishery we cannot from thence conclude that the British Government was under any obligation to make similar Concession.—

The East India Company does appear to have conceded to the Pagodas the liberty to fish with a certain number of Boats when the Island of Ceylon was under their dominion, and the Governors of Ceylon have granted similar permissions.—

These Circumstances create the Chief difficulty as it may be contended

that

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that the Island of Ceylon was delivered over to the King's Government subject to all the obligations of its previous Masters the East India Company —

But that Company might have had very Cogent reasons for allowing the Native Priests to share in the profits of the Fishery and may have been desirous to conciliate the minds of their subjects by admitting the claims without attempting to examine very nicely the Principle of right or of law upon which those claims were supported —

As your Excellency has done us the honor to consult us on this occasion, we beg leave to assure you, that we shall be happy at all times to afford our humble advice and legal opinions on such subjects as may be attended with doubt and

difficulty

difficulty. But from the peculiar situation in which we are placed, if the rights con=tended for should be made the subject of litigation in Court. We trust that we shall not be considered as pledged to abide by any opinion which we now entertain, if after argument upon the documents already adduced, or the production of more satisfactory evidence we should think that the claims are better supported than we consider them to be at present.

To His Excellency the Governor &c &c &c

(Signed) Richard Ottley
" Charles Marshall

(True Copies)

[illegible]
Secretary &c

[illegible signature]

Revenue Department
692
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To the Principal Collector of
Madura

Sir,

With reference to your letter of the 3rd instant, which I am directed to acknowledge, the Board of Revenue desire to know what is the estimated annual value of the village in question. You will be pleased to furnish information on this point, at the same time you will submit a statement shewing the extent and description of land appertaining to the village distinguishing what is cultivated & will report in whose possession it is at this time.

Revenue Board Office
Fort St George
17th December 1829.

I have the honor to be
Sir,
Your most obedient Servant
[illegible]
Secretary

Desp 31 do

[illegible]